

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

MAGNOLIA ISLAND PLANTATION L L C ET AL CIVIL ACTION NO. 18-cv-1526

VERSUS

JUDGE S. MAURICE HICKS, JR.

LUCKY FAMILY L L C ET AL

MAGISTRATE JUDGE HAYES

SCHEDULING ORDER

At the February 28, 2020 Scheduling Conference, the following dates were set on the docket of **Chief Judge Hicks**:

JURY TRIAL:

**November 02, 2020 at 8:30
a.m., Shreveport Court House,
Courtroom No. 1**

PRETRIAL CONFERENCE:

September 30, 2020 at 12:00 p.m.
Time subject to change depending on
availability of counsel and agreement of
court. Counsel may request permission from
Judge Hicks to participate by telephone.

***JOINT PRETRIAL ORDER*:**
(Format available at
www.lawd.uscourts.gov)

Before Noon on September 25, 2020

Special Requirements Enforced by the Court:

- A. Motions to Extend Deadlines.** A motion to extend any deadline shall include a statement that the granting of the motion shall or shall not affect any other deadline or the trial date. Filing a motion to extend a deadline does not, in and of itself, result in an extension of time. Therefore, motions for extensions of time must be filed as soon as possible, but in any event, not later than **noon** of the day preceding the existing deadline.
- B. Dispositive Motion Deadline.** Motions to extend the dispositive motion deadline are disfavored and will be granted only in exceptional circumstances.
- C. Motions to Continue Trial.** Except in extraordinary situations, no motion to continue the trial because of a previous trial conflict will be considered earlier than two weeks prior to the date of this trial.

- D. Courtesy Copies.** It is the duty of the attorneys to provide a courtesy copy of all filings directly to chambers. Courtesy copies of all pretrial submissions marked with an asterisk (*) in this Order shall be sent directly to Judge Hicks' chambers in two formats: (i) a paper courtesy copy; and (ii) an electronic courtesy copy. The electronic courtesy copy must be formatted in Word Perfect or Rich Text Format and be e-mailed to motions_hicks@lawd.uscourts.gov.
- E. Exhibit Numbers.** Each exhibit must carry the same unique exhibit number throughout the litigation, including motion practice, depositions and trial. Thus, an exhibit attached to a motion for summary judgment must have the same exhibit number assigned to that document during written discovery and/or depositions. The exhibit numbers need not be sequential, but they must be unique and consistent as to each exhibit.
- F. Exhibits on CD-Rom.** In jury cases with more than 25 pages of exhibits, all exhibits shall be bar coded and scanned on CD-ROM. Each party shall provide their exhibit CD to the courtroom deputy at least seven (7) days before trial. Contact Denise McDonnell at 318-676-3188 for special requirements regarding the CD. An original set of paper exhibits must still be brought to court on the morning of trial. Exhibits in non-jury cases need not be put on CD unless so directed by the court.
- G. Joint Submissions.** It is the duty of all counsel to notify the court in writing if, after good faith reasonable effort, any party cannot obtain the cooperation of opposing counsel on matters requiring joint submissions, including the Pretrial Order, Joint Jury Instructions, Joint Neutral Statement or Edited Trial Depositions.
- H. Trial depositions.** Unless excused by Judge Hicks for good cause shown, trial depositions (see ¶¶ 13 and 14) in *jury* cases shall be videotaped.
- I. Computation of Deadlines.** If a deadline falls on a Saturday, Sunday or federal holiday, the effective date is the first business day following the deadline imposed.
- J. Standing Orders.** Attorneys are expected to comply with all applicable Standing Orders, including, but not limited to, Standing Order 1.95 (Code of Professionalism). Standing Orders are posted on the court's website: www.lawd.uscourts.gov.

PRETRIAL DEADLINES:

DEADLINE:

FOR:

PASSED

1. **JOINDER OF PARTIES AND AMENDMENT OF PLEADINGS**

PASSED

2. **EXCHANGE WITNESS LISTS** (not expert witnesses.)

Counsel for plaintiff shall deliver to counsel for defendant a witness list setting forth the name, address, and a brief summary of each witness' expected testimony. Defendant's witness list is due **seven (7)** days after receipt of plaintiff's list. Counsel need **not** file the witness lists with the clerk's office.

PASSED

3. **PLAINTIFF'S EXPERT REPORTS** (not treating physicians).

Plaintiff shall deliver reports in compliance with Rule 26(a)(2)(B), except for the listing of prior depositions. If there is any subsequent change in the expert's opinion, or its basis, the offering attorney must notify all counsel within **seven (7)** days thereafter.

**Deliver to all counsel
Immediately upon
receipt**

4. **RECORDS OF TREATING HEALTH CARE PROVIDERS**

PASSED

5. **DEFENDANT'S EXPERT REPORTS.** See ¶3.

PASSED

6. **DISCOVERY COMPLETION and DISCOVERY MOTIONS.**

To allow time for responses, written discovery must be served more than thirty (30) days before the deadline. Motions to compel must be filed by this date.

PASSED

7. **COMPLETION OF EXPERT DEPOSITIONS.**

PASSED

- *8. **DISPOSITIVE MOTIONS.***

March 20, 2020

9. DAUBERT MOTIONS.

Any challenge to expert testimony, and exhibits or demonstrative aids based upon such testimony, on grounds that they are not relevant or reliable, must be filed by this date and opposed within **fourteen (14)** days thereafter.

August 19, 2020

10. EXCHANGE OF PROPOSED PRETRIAL ORDER AND EXHIBITS

(a) Counsel for plaintiff shall deliver to counsel for defendant a draft of the proposed pretrial order, including a list of plaintiff's witnesses and exhibits, as well as a set of plaintiff's numbered exhibits in accordance with the procedures outlined in Special Requirements, Item E.

(b) Within **seven (7)** days of receipt of plaintiff's draft of the PTO, defense counsel shall deliver to plaintiff's counsel defendant's inserts, changes and/or objections to plaintiff's proposed pretrial order, including a list of defendant's witnesses and exhibits, as well as a set of numbered exhibits in accordance with Special Requirements, Item E.

September 02, 2020

11. CONFERENCE TO PREPARE PRETRIAL ORDER.

Plaintiff's counsel shall host a conference at a convenient time for all trial counsel in order to finalize the pretrial order. The Court prefers such conference occur in person, but should a face-to-face conference not be feasible or practical, counsel shall confer by telephone.

September 16, 2020

12. MOTIONS IN LIMINE.

Any opposition shall be filed within **seven (7)** days of the filing of the motion.

October 13, 2020

13. TAKING TRIAL DEPOSITIONS.

Depositions to be used at trial in lieu of live testimony, whether of lay or expert witnesses, may be taken after the discovery deadline, but no later than this deadline, provided reasonable notice is provided to all parties. See also Section G of Special Requirements.

October 26, 2020

14. SUBMISSION OF TRIAL DEPOSITIONS.

Trial depositions shall be edited jointly by the parties to remove all non-essential material. A copy of any edited trial depositions (paper copy for non-jury trials or video copy for jury trials) shall be delivered to chambers by the deadline. All objections thereto must be filed and briefed by this deadline. An additional copy of the edited deposition for use during trial shall be brought to court on the morning of trial.

October 26, 2020

15. JURY TRIAL SUBMISSIONS.

(a) JOINT JURY INSTRUCTIONS & INTERROGATORIES (VERDICT FORM).

If the parties are unable to agree as to any specific jury instruction, a separate proposal, supported by pinpoint citations, should be submitted for each contested instruction.

(b) JOINT NEUTRAL STATEMENT.

A brief summary of the dispute that the court can read to the venire at the beginning of voir dire.

(c) Exhibits on CD-Rom.

See Special Requirements, Item F.

October 26, 2020

16. NON-JURY TRIAL SUBMISSIONS.

(a) FINDINGS OF FACT & CONCLUSIONS OF LAW.

The parties' submissions shall be formatted in individually numbered, single-sentence statements. Conclusions of law shall include pinpoint legal citations of supporting authority. Each party's submission shall be filed with the clerk of court and exchanged with all other parties by the deadline.

(b) EXHIBIT BOOKS.

Counsel shall submit to chambers one set of properly numbered exhibits in a three-ring binder. The original set of numbered exhibits shall be brought to court on the morning of trial.

*A courtesy copy of this item shall be delivered to Judge Hicks' chambers in accordance with the procedures outlined in Section D of Special Requirements.

THUS DONE in Chambers on this 28th day of February, 2020.



KAREN L. HAYES
United States Magistrate Judge

00:30